

# COUNTY OF YORK

## MEMORANDUM

**DATE:** December 12, 2000 (BOS Mtg. 12/19/00)

**TO:** York County Board of Supervisors

**FROM:** Daniel M. Stuck, County Administrator

**SUBJECT:** Application No. ZT-53-00, York County Board of Supervisors

### ISSUE

This application, sponsored by the Board at its September 19, 2000, meeting, seeks to amend §24.1-306 of the York County Zoning Ordinance, Table of Land Uses, to prohibit certain uses in the Limited Industrial (IL) zoning district.

### CONSIDERATIONS/CONCLUSIONS

1. At its July 18, 2000, meeting, the Board adopted a Zoning Ordinance text amendment to delete places of worship as a permitted use in the IL (Limited Industrial) zoning district. The purpose of this action was to remove the potential for incompatible land uses in this district (i.e., a church next door to an industrial use) and to preserve what remains of the County's undeveloped IL-zoned land for revenue-generating uses. During its deliberations on this matter, the Board directed staff to review the Zoning Ordinance Table of Land Uses to determine if there are any other uses permitted in the IL district that also might not be appropriate in this zoning district. After review, staff identified several, including meeting halls, day care centers, barbershops, and a variety of retail uses. The Board then sponsored this application to amend the Zoning Ordinance by deleting these as permitted uses in the IL district.
2. As stated in §24.1-351 of the Zoning Ordinance, "The IL district is intended to provide opportunities for a wide variety of light manufacturing, fabricating, assembling, processing, wholesale distributing, and warehousing uses in areas designated for limited industrial development by the comprehensive plan. In order to preserve land for these industrial activities, to reduce extraneous traffic, and to avoid future conflicts between industry and other uses, permitted commercial activities are limited primarily to business and industrial parks and to those activities which will be useful to employees in the district and compatible with and complementary to the permitted types of industrial activities." The comprehensive plan states that the Limited Industrial land use designation is "intended to provide opportunities for a variety of industrial activities of low to moderate intensity. Industrial activities envisioned for this designation are those whose operations and/or characteristics will have relatively low impacts in terms of smoke, noise, vibration, or similar factors."

I believe that the following land uses do not meet the criteria set forth above, yet they are currently permitted in the IL district.

- Meeting halls, recreational, social uses, or private clubs operated by social, fraternal, civic, public, or similar organizations (category 4, number 1)  
Since "social, fraternal, civic, public, or similar organizations" could potentially include tax-exempt organizations, this use raises the same concern as places of worship with regard to the need to maintain the County's available supply of revenue-generating industrial land. In addition, meeting halls, recreational, social uses, and private clubs are not industrial uses, nor are they

“compatible with and complementary to” the types of light industrial activities envisioned for this district.

- Pre-school child care, nursery school (category 5, number 1)

An **accessory** day care center operated for the benefit of the employees of a specific business or businesses within a business or industrial park in an IL zone may be “compatible and complementary,” but a stand-alone facility would create the kinds of “conflicts between industry and other uses” that the IL district is intended to avoid. A day care center is not appropriate adjacent to a manufacturing use that creates smoke, noise, and vibration, even if the impacts are “relatively low.” In addition, a stand-alone day care center would not meet the “extraneous traffic” criterion, since people would be driving to and from the center who otherwise would not be driving in the area.

- Convenience store (category 10, number 5)
- Camera shop, one-hour photo service (category 10, number 8)
- Florist (category 10, number 9)
- Bike store, including rental/repair (category 10, number 28)
- Optical goods, health aids or appliances (category 10, number 30)
- Second hand, used merchandise retailers (category 10, number 34)

In general, retail uses that are permitted in the IL zoning district are those that are intended to serve the people who are likely to work in such an area. Stores that sell hardware, paint, building materials, and office supplies (all of which are permitted as a matter of right in the IL district) are appropriate because they furnish equipment and supplies that are likely to be needed by adjacent office and light industrial development. The six retail uses listed above, however, do not meet this criterion.

- Barber/beauty shop (category 11, number 2)

It may be convenient for workers in an industrial area to have a barbershop close to their place of work, but such an establishment could not survive without attracting other customers as well, thereby attracting “extraneous traffic.”

As noted above with respect to day care centers, some of these uses may be appropriate within a comprehensively planned and unified industrial or office park. In fact, the Zoning Ordinance performance standards for business and industrial parks (§24.1-482) specify day care centers, florists, barbershops, and convenience stores as permitted uses within such parks. To permit these and other general retail and service uses as **stand-alone** establishments (i.e., not within a business park), however, would defeat the stated purposes the IL provisions are intended to serve. Whereas industrial parks are typically designed to incorporate commercial and service activities that serve the employees and patrons, stand-alone businesses serving the public at large would attract traffic that otherwise would not enter the industrial area and, in many cases, would conflict with light industrial activities located nearby. Therefore, I recommend that day care centers, florists, barbershops, and convenience stores continue to be permitted within business and industrial parks but **not** as individual stand-alone uses. As for camera shops, bike stores, optical goods shops, and thrift stores, it is recommended that they be deleted from the IL district entirely.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its November 8 meeting and conducted a public hearing at which no one spoke. Commission members discussed whether or not to add “Apparel Services” (category 11, number 3) to the list of prohibited uses in the IL district. Apparel Services include retail dry-cleaning establishments, tailors, shoe repair establishments, and laundromats. After extensive discussion, the Commission decided to defer this question and consider it as part of the Zoning Ordinance rewrite. The Commission then voted 7:0 to recommend approval of the application.

### **COUNTY ADMINISTRATOR RECOMMENDATION**

I recommend that the Board adopt the proposed zoning text amendments contained in proposed Ordinance No. 00-22. This action to amend the Table of Land Uses by prohibiting the specified uses in the IL district will not affect the status of any of the uses that are currently permitted within a business or industrial park. Section 24.1-482(a)(1) of the Zoning Ordinance states that those uses are **in addition to** those listed in the Table of Land Uses, and office and industrial parks will remain as a permitted use in the IL district.

#### Attachments

- Excerpts of unapproved Planning Commission minutes, November 8, 2000
- Proposed Ordinance No. 00-22

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